



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,395	12/21/2000	Christopher J. Howard	3936P001D	4122

7590 04/30/2003

Mimi Diemmy Dao
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 04/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/745,395

Applicant(s)
Christopher J. Howard et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/06/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23, 84, and 85 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23, 84, and 85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 3621



Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 02/06/2003.
2. Claims 20-23 are remained and claims 84-85 are added.
3. The rejection to claims 20-23 under 35 U.S.C. 102 (a) as being anticipated by Jordan (WO 9825373) as set forth in the Office action mailed on 10/30/2002 is maintained.

Claim Rejections - 35 USC § 102

4. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless -

Art Unit: 3621

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 20-23 are rejected under 35 U.S.C. 102 (a) as being anticipated by Glogau, Jordan (WO 9825373).

As per claims 20-23, Glogau discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

selling (terms and condition) a server security program to a content provider (see., abstract, or selling web sites to authorize user, page 19, lines 3-20, terms and condition);

selling a plurality of copies for a limited-use program to the content provider for licensing to users wishing to access the content (see., abstract, page 5, lines 6-20, page 9, lines 22 and 23, page 10, lines 1-24, page 11, lines 1-20, page 19, lines 3-20).

As per claims 84 and 85, Jordan discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

Art Unit: 3621

providing network accessible protected content from a source (see., abstract, selling web sites to authorize user (or protected content or protected web sites, page 19, lines 3-20); authorize downloading of protected content from a source to a client system (see., abstract, specifically wherein it is stated that upon passing the test, the copy protection system grants the end-user a license and enables the end-user to download software that facilitates access); preventing non-ephemeral reproduction of the downloaded content by the client system until compensation is received (see., page 5, lines 6-20, specifically wherein it is stated that a licensed or authorized end-user may download site copying software to an associated end-user computer system from the copy protection system server..).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 02/06/2003 have been fully considered but they are not persuasive.

REMARKS

7. In response to Applicant's arguments, Applicant argues that the prior art of record Glogau, Jordan fails to disclose the limitation of "selling a server security program to a content provider". As indicated above, this limitation is disclosed by Glogau in page 19, lines 3-20, specifically wherein it is stated that upon visiting a protected site (or server security program) the end-user is presented with terms and conditions for accessing protected web site material and using the site copying software...,

Art Unit: 3621

Applicant should duly note the terms and conditions are readable as a process of selling web site or copying software or server security program).

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. WO 9844402 Bramhill et al.

This patent discloses a copyright protection scheme in which data is download from a server see., abstract, which can also read on claims 20-23 and 84-85.

Art Unit: 3621

10. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

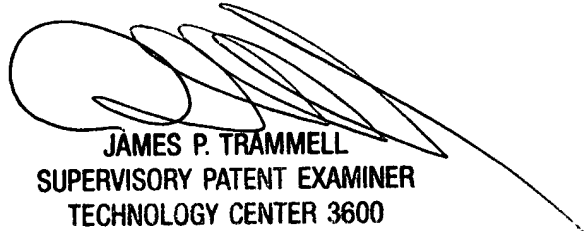
Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Pierre Eddy Elisca

Patent Examiner

April 22, 2003